

Norma Hatfield
County Clerk & Recorder

Clerk and Recorder

FREMONT COUNTY

615 Macon Ave. RM #102

Canon City, Colorado 81212

Phone 719-276-7330 Fax 719-276-7338

RECEIVED

JAN 15 2008

CO SECRETARY OF STATE

January 11, 2008

Secretary of State Mike Coffman
1700 Broadway, Suite 250
Denver, Colorado 80290

RE: Request for reconsideration of your December 17, 2007 decision regarding the voting system of Hart Intercivic.

Dear Secretary Coffman:

On behalf of Fremont County and pursuant to section 1-5-621 (6), we are submitting this request for you to reconsider the decision that you issued on December 17, 2007, regarding the voting system of Hart Intercivic.

Specifically, Fremont County believes that the following portions of your decision were in error and requests your reconsideration:

1. The decertification of the Hart E-Scan equipment was identified in the project overview as "failing to count ballots correctly". Fremont County has had three elections using this equipment, specifically the 2006 Primary, 2006 General Election, and the 2007 Coordinated Elections. As a part of each of these elections, the pre-lat and post-lat testing was completed in the manner described in C.R.S. and SOS Rules and the results were 100%, which is evidence that the E-Scans counted the ballots correctly. These machines were certified and approved by the Secretary of State prior to our use of the same. To our knowledge, nothing regarding the use of the machines has changed, yet the Secretary of State now asserts that the machines cannot be certified. This change in position by the Secretary of State's office casts doubt on the results from each election in which those machines were used, despite the completely consistent results throughout the whole process.
2. Fremont County has not had to deal with a 2 page ballots. However, should this situation arise in the future, the Fremont County Clerk's office would have safeguards in place to handle an issue of a voter returning only one page of a multi-page ballot, so that proper counting of the votes actually submitted could occur. The process could occur through a hand count or a resolution board, among other options.
3. The decertification information cites failure to conduct state requirements for pre and post election testing as a justification for decertification. As mentioned above all the County Pre and Post lat testing were completed without any deviation of the ballot count.

4. Failure to accurately process folded ballots. In the 2007 Coordinated Election Fremont County held a mail ballot election, we had 10,060 folded ballots returned and processed we had no difficulties processing them with the Hart E-Scan equipment.

5. Failure to provide auditable data to detect security violations. The Secretary of State's office should consider the fact that the Hart E-Scan machines (in Fremont County) are not used by the general public. Election judges and officials are properly trained in the use of the machines and the possibility of a security violation is minimal. However, this is apparently a software issue that can only be resolved by Hart.


In 2006 Fremont County purchased this equipment with HAVA funds only, as the Fremont County Budget could not accommodate funding for election equipment. This equipment was purchased with the Secretary of State's approval. What details regarding the equipment changed from 2006 to 2007 (other than additional Secretary of State rules and a change in administration) to cause this equipment to be decertified?

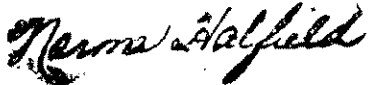
In order to conduct a effect and secure election for this 2008 Presidential Election, it will very likely be necessary for Fremont County to purchase additional equipment. As with many other counties in the state, Fremont County is under budget constraints. Since this is a change in position from the Secretary of State, after only a brief time since the certified machines were originally purchased with state funding, the county is looking to you for guidance on how to fund the purchase of additional machines. Clearly, the County officials expected the costly Hart E-Scan machines to have a useful life of greater than one year. Should an additional purchase be necessary, will the state be funding such purchases and will the state be providing assurances and guarantees that the certification rules will not be changed within the next one-year period, rendering more newly-purchased machines obsolete?

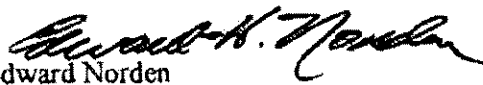
We have grave concerns about the entire certification process and the political interjections that appear to have occurred.

Respectfully submitted,

Norma Hatfield
County Clerk


Larry Lasha
Chairman
County Commissioner District Two


Mike Stiehl
County Commissioner
District One


Edward Norden
County Commissioner
District Three